

AMENDED IN SENATE SEPTEMBER 3, 2009

AMENDED IN SENATE JULY 23, 2009

AMENDED IN SENATE MAY 4, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 240**

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**Introduced by Assembly Member Monning**

February 10, 2009

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An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.

LEGISLATIVE COUNSEL’S DIGEST

AB 240, as amended, Monning. Conveyances: DeLaveaga Park.

Existing law requires all real property within the DeLaveaga Park Property owned by the state, other than that portion leased to the City of Santa Cruz, to be used for a National Guard camp of instruction and, if that use is determined by the Adjutant General to be no longer necessary for that purpose, requires the Department of General Services to reconvey the real property to the city, to be used in perpetuity for public recreational purposes. The department is also directed to convey to the city its fee interest in that portion of the DeLaveaga Park Property leased to the city to be used as a municipally owned public golf course, if the city simultaneously conveys in fee to the state the portion of the property that is leased to the state.

This bill would describe the portion of real property within the DeLaveaga Park Property owned by the state and comprised of approximately 40 acres to be referred to as “the armory site,” and make various conforming changes.

The bill would delete the provisions requiring the Department of General Services to reconvey the real property to the city if the Adjutant General determines the property to be no longer necessary for the purpose of a camp of instruction for the National Guard, and would instead authorize the department, in that instance, to dispose of the armory site, subject to specified conditions.

The bill would also delete the provisions requiring the city to simultaneously convey in fee to the state the portion of the DeLaveaga Park Property that is leased to the state, and instead require the city to simultaneously quitclaim any interest it has in the armory site, subject to terms and conditions that the department deems is in the best interest of the state. The bill would authorize, rather than direct, the department to convey its fee interest to the City of Santa Cruz, ~~at no cost except for processing and title fees~~, but would require consultation with the Adjutant General.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2 of Chapter 188 of the Statutes of 1999
- 2 is amended to read:
- 3 Sec. 2. (a) All real property within the DeLaveaga Park
- 4 Property owned in fee by the State of California, constituting
- 5 approximately 122 acres, other than that portion currently leased
- 6 to the City of Santa Cruz, constituting approximately 83 acres,
- 7 shall be used by the state exclusively for a camp of instruction for
- 8 the National Guard. This real property used by the state for a camp
- 9 of instruction, comprising approximately 40 acres, shall be referred
- 10 to as the armory site for purposes of this section. If, however, the
- 11 Adjutant General determines that the armory site, or portions
- 12 thereof, within the foreseeable future, will no longer be necessary
- 13 for a National Guard camp of instruction and notifies the
- 14 Department of General Services of that determination, the
- 15 Department of General Services may sell, lease, exchange, or
- 16 otherwise convey the armory site.
- 17 (b) (1) The disposal of the armory site shall be pursuant to
- 18 Section 11011.1 of the Government Code, except that the City of
- 19 Santa Cruz shall have the first right to acquire, before other local

1 agencies, in fee or by leasehold, as determined by the Department  
2 of General Services, all or part of the armory site.

3 (2) Any lease, exchange, or other conveyance of the armory site  
4 to the City of Santa Cruz pursuant to this subdivision shall be  
5 subject to the condition that the real property be used in perpetuity  
6 for public recreational purposes, affordable housing, or other local  
7 governmental uses. However, nothing in this section shall be  
8 construed to preclude the continued use of the armory building for  
9 the provision of services, including, but not limited to, shelter  
10 services, to homeless persons.

11 (c) Notwithstanding any other provision of law that limits  
12 reversionary rights to real property, including, but not necessarily  
13 limited to, Chapter 5 (commencing with Section 885.010) of Title  
14 5 of Part 2 of Division 2 of the Civil Code, title to the armory site  
15 described in subdivision (a) shall revert to the possession, control,  
16 and ownership of the state if any of the conditions for the use of  
17 the armory site are violated. If the armory site is sold, leased,  
18 exchanged, or otherwise conveyed, any conditions for the use of  
19 the armory site prescribed in subdivision (a) shall be incorporated  
20 in the instrument conveying the property.

21 SEC. 2. Section 3 of Chapter 188 of the Statutes of 1999 is  
22 amended to read:

23 ~~SEC. 3.~~

24 *Sec. 3.* (a) The Department of General Services, in consultation  
25 with the Adjutant General, may, ~~at no cost to the City of Santa~~  
26 ~~Cruz, except for processing and title fees,~~ convey to the City of  
27 Santa Cruz, subject to mutually agreed upon terms, its fee interest  
28 in that portion of the DeLaveaga Park Property that the state is  
29 currently leasing to the city, comprising approximately 83 acres,  
30 and that the city is currently using as part of the DeLaveaga Golf  
31 Course, if the city simultaneously quitclaims any interest it has in  
32 the armory site described in subdivision (a) of Section 2 of this  
33 act. The state's conveyance to the city shall be subject to terms  
34 and conditions that the director of the Department of General  
35 Services, *with the concurrence of the Adjutant General*, deems is  
36 in the best interests of the state and shall include the requirement  
37 that the real property shall be used as a municipally owned public  
38 golf course for as long as the city determines and thereafter used,  
39 in perpetuity, as a municipally owned public recreational area.

1 (b) Notwithstanding any other provision of law that limits  
2 reversionary rights to real property, including, but not necessarily  
3 limited to, Chapter 5 (commencing with Section 885.010) of Title  
4 5 of Part 2 of Division 2 of the Civil Code, title to the property  
5 described in subdivision (a) shall revert to the possession, control,  
6 and ownership of the state if any of the conditions for the use of  
7 that real property are violated. If the property is conveyed to the  
8 City of Santa Cruz, any conditions for the use of that property  
9 prescribed in subdivision (a) shall be incorporated in the instrument  
10 conveying the property to the City of Santa Cruz.

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